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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/625,823	07/23/2003	Scott Goldthwaite	WS-102	7792
27769	7590	04/19/2007		
AKC PATENTS 215 GROVE ST. NEWTON, MA 02466			EXAMINER HANNON, CHRISTIAN A	
			ART UNIT	PAPER NUMBER
			2618	
SHORTENED STATUTORY PERIOD OF RESPONSE		MAIL DATE	DELIVERY MODE	
3 MONTHS		04/19/2007	PAPER	

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

## Office Action Summary

Application No.

10/625,823

Applicant(s)

GOLDTHWAITE ET AL.

Examiner

Christian A. Hannon

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 08 February 2007.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) 16-28 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Song et al (US 2002/0047045), hereinafter Song, in view of Fox et al (US 5,943,624), hereinafter Fox.

Regarding claim 1, Song teaches a wireless mobile device adapted to access a wireless network comprising a SIM card slot (Figure 4, 'Expansion Slot'; Page 1, [0008]; Song) and a smart card reader module electrically connected to said wireless mobile device via said SIM card slot (Page 1, [0009], Page 2, [0027]; Song). However Song fails to explicitly teach a contactless smart card reader/writer adapted to receive and read information stored in a contactless smart card residing outside of the mobile device and transmit said information to an entity via said wireless network. Fox teaches a contactless smart card reader/writer adapted to receive and read information stored in a contactless smart card residing outside of the mobile device and transmit said information to an entity via said wireless network (Column 2, Lines 18-21, 26-29; 53-63; Fox). Therefore it would have been obvious to one of ordinary skill in the art to incorporate the teachings of Fox into those of Song in order to provide a smartcard that

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does not require contact with an external reader in order to perform a transaction with a smartcard.

Regarding claim 2, Song and Fox teach the device of claim 1 wherein said contactless smart card reader/writer module is further adapted to receive information from said entity via said network and transmit and write said information in said contactless smart card (Column 2, Lines 26-29; 53-63; Fox).

Regarding claim 3, Song and Fox teach the device of claim 1 wherein said information is selected from a group consisting of cardholder identification information (Column 1, Lines 9-11; Fox).

Regarding claim 4, Song and Fox teach the device of claim 3, wherein said digital goods are selected from a group consisting of electronic cash (Column 1, Lines 9-11; Fox).

Regarding claim 5, Song and Fox teach the device of claim 1, further comprising a memory a CPU (Figure 4, Item 150; Fox), a SIM card connected to said SIM card slot, said SIM card authenticating said wireless mobile device to said wireless network (Page 3, [0031]; Song) and a first application program associated with said memory and said CPU and being adapted to receive and transmit instructions from said contactless smart card reader/writer module to said wireless mobile phone and the reverse (Page 2, [0029]; Song).

Regarding claim 6, Song and Fox teach the device of claim 5, further comprising a second application program associated with said memory and said CPU and being adapted to route and transmit data and information among said wireless mobile phone,

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said smart card reader/writer module, and other interfaces connected to said CPU (Page 1, [0002]; Song).

Regarding claim 7, Song and Fox teach the device of claim 6, wherein said other interfaces are selected from a group consisting of smart card interfaces (Page 3, [0031]; Song).

Regarding claim 8, Song and Fox teach the device of claim 6, wherein said first and second application programs are stored in storage selected from a group consisting of said CPU, said SIM card, an external SIM card, said contactless smart card and an external card (Figure 3, Item 43; Column 3, Lines 35-45; Fox).

Regarding claim 9, Song and Fox teach the device of claim 1, further comprising an antenna for receiving and transmitting messages to and from said contactless smart card (Figure 2, Item 26; Fox).

Regarding claim 10, Song and Fox teach the device of claim 1, wherein said wireless mobile device is selected from a group consisting of a PDA (Page 1, [0002]; Song).

Regarding claim 11, Song and Fox teach the device of claim 1, wherein said wireless network is selected from a group consisting of a private network (Page 1, [0005]; Song).

Regarding claim 12, Song and Fox teach the device of claim 11 wherein said wireless wide area network is selected from a group consisting of a GSM, CDMA, CDMA 2000 or WCDMA (Column 2, Line 67; Column 3, Lines 1-2; Fox).

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Regarding claim 13, Song and Fox teach the device of claim 1, wherein said wireless mobile device is used for making financial transactions between a user and said entity with said contactless smart card over said network (Page 1, [0002], Page 3, [0031]; Song; Column 5, Lines 5-12; Fox).

Regarding claim 14, Song and Fox teach the device of claim 13, wherein said financial transactions between said user and said entity are face to face (Page 1, [0002]; Song).

Regarding claim 15, Song and Fox teach the device of claim 13 wherein said financial transactions between said user and said entity are remote (Page 1, [0002]; Song).

### ***Response to Arguments***

3. Applicant's arguments with respect to claims 1-15 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christian A. Hannon whose telephone number is (571) 272-7385. The examiner can normally be reached on Mon. - Fri. 8:00 AM - 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ed Urban can be reached on (571) 272-7899. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

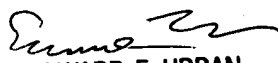
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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



C. A. Hannon

April 3, 2007



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